



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
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Toll Free (800) 451-6027
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May 29, 2009

VIA CERTIFIED MAIL 7002 0510 0004 2582 7588

Mr. Philip Brickey, Plant Manager
ThyssenKrupp Waupaca, Inc.
9856 Highway 66
Tell City, Indiana 47586

Dear Mr. Brickey:

Re: Modified Permit Requirements
Solid Waste Facility Permit, FP 62-06
ThyssenKrupp Waupaca, Inc., RWS II
Perry County

You are hereby notified that the Indiana Department of Environmental Management has approved the modification plans and specifications submitted to this office on April 13, 2007 and August 10, 2007, for the above mentioned solid waste management facility. The issuance of this modification does not supersede the requirements of any other agency of local, state, or federal government, and all other requirements from the original permit must be followed.

As addressed in the previous modification letter dated March 24, 2008, the project allows the ThyssenKrupp Waupaca, Inc, RWS II Landfill to omit monthly and yearly cover on the active areas of the landfill, subject to the conditions in the Enclosure. Also, based on the documentation submitted to IDEM on April 13, 2007, it has been demonstrated that neither of the constituents, mercury or silver, has been reported as present in the facility waste. Therefore, the constituents mercury and silver can be removed from the parameters list set forth in Requirement E10 of the Renewal and Minor Modification permit letter that were originally approved on January 11, 2007.

ThyssenKrupp Waupaca, Inc. is hereby certified as having completed the requirements for a modification in accordance with IC 36-9-30 and 13-7, and the rules and regulations promulgated thereunder. Therefore, the modification is hereby approved subject to the terms and conditions of this letter and the enclosed requirements.

Pursuant to IC 4-21.5, a Petition for Review of this permit letter may be initiated by you, as applicant, or by an "aggrieved or adversely affected person". This permit modification becomes effective once all applicable time periods for petitioning for Stays of Effectiveness have expired, unless you are notified in writing by an Environmental Law Judge that the permit has been further stayed. If you wish to challenge this decision, you must file a Petition for Review with the Office of Environmental Adjudication within eighteen (18) days from the date that this permit letter was mailed, pursuant to IC 4-21.5-3-7.

If you have any questions concerning this issue, please call (800) 451-6027, press 0 and ask for Kelly Hall, or ask for extension 3-0449, or dial her direct at (317) 233-0449.

Sincerely,

A handwritten signature in black ink that reads "Jerome Rud for". The signature is written in a cursive, flowing style.

Thomas Linson, Chief
Permits Branch
Office of Land Quality

Enclosures: Notice of Decision
Letter to the Perry County News
Letter to the Tell City-Perry County Public Library
Modified Permit Requirements

cc: Perry County Health Department (with enclosure)
Perry County Commissioners (with enclosure)
IDEM, Southwest Regional Office (with enclosure)
Perry County Solid Waste Management District (with enclosure)
The Honorable Barbara Ewing, Mayor of Tell City (with enclosure)
The Honorable Mike Parker, President of Troy Town Council (with enclosure)

MODIFIED PERMIT REQUIREMENTS

1. The intermediate cover (monthly and yearly) variance requested in the letter dated August 9, 2007, and received by IDEM on August 10, 2007 has been granted with the following conditions:
 1. The Permittee shall abide by the 'Site Operations and Environmental Protection' methods outlined in the variance request letter, the renewal Permit dated January 11, 2007, and all applicable requirements of 329 IAC 10-28.
 2.
 - a. Sedimentation control structures and drainage ditches shall be properly maintained as specified in the renewal of the permit dated January 11, 2007, and all applicable requirements of 329 IAC 10-28 (operational requirements). In addition drainage ditches shall be inspected monthly for excessive sediment leaving the active portion of the site and routinely cleaned out as necessary.
 - b. Any unacceptable inspection report by IDEM documenting the violation of the requirement 2.a above will be considered grounds for revocation of this variance.
 3. Storm water that comes into contact with waste material shall be maintained within the "limits of the waste" and managed as leachate.
 4. The Permittee shall minimize the working face of the landfill, and comply with condition F1 of the renewal Permit.
 5. The Permittee shall comply with the applicable final cover requirements of 329 IAC 10-30-3.
 6. The Permittee shall take appropriate measures to minimize fugitive dust at the landfill facility. An unacceptable inspection report by IDEM documenting that fugitive dust is creating a nuisance or threat to human health and the environment, may lead to the revocation of this variance.
2. Requirement E10 of the Renewal and Minor Modification permit letter that were originally approved on January 11, 2007 should be revised to read as follows:

All ground water monitoring wells that constitute the facility's detection monitoring well system must have individual water samples collected and analyzed for contaminants during March and September every year. Each sample must be analyzed for the following Phase I parameters:

- (1) Field pH
- (2) Field specific conductance
- (3) Arsenic (Dissolved)
- (4) Barium (Dissolved)
- (5) Cadmium (Dissolved)
- (6) Chromium (Dissolved)
- (7) Lead (Dissolved)
- (8) Selenium (Dissolved)
- (9) Chlorides
- (10) Iron (Dissolved)
- (11) Manganese (Dissolved)
- (12) Phenols
- (13) Sodium (Dissolved)
- (14) Sulfate
- (15) Total Dissolved Solids

